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300 ESPLANADE DRIVE, SUITE 800  
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TELEPHONE: (805) 278-8855  
FACSIMILE: (805) 278-8064  
EMAIL: Mail@CuttingEdgePatents.com

SEP 06 2004

# Facsimile Cover Sheet

**To:** Hon. Commissioner for Patents, TC2600

**From:** Craig S. Fischer

**ATTN:** Examiner BRIAN Q. LE

**Fax:** (703) 872-9306

**Pages:** 28 (inclusive)

**Re:** Serial No.: 09/400,346

**Date:** September 6, 2004

**Filed:** September 20, 1999

**Attorney Docket No:** MCS-058-99

☐ **Urgent**

☒ **For Review**

☐ **Please Comment**

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## CERTIFICATE OF TRANSMISSION UNDER 37 C.F.R. §1.8

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on September 6, 2004

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Craig S. Fischer

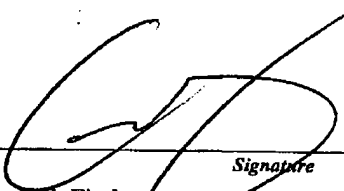
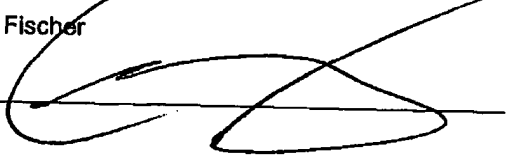
Typed or printed name of person signing Certificate

This correspondence includes the following attached papers:

1. Facsimile Cover Sheet including Certificate of Transmission under 37 C.F.R. § 1.8 (1 page);
2. Request for Continued Examination (RCE) Transmittal Letter (1 page);
3. Credit Card Payment Form (1 page for RCE filing fee);
3. Credit Card Payment Form (1 page for additional claims fee);
4. Amendment Transmittal Letter (1 page);
5. Preliminary Amendment to Accompanying RCE (23 pages).

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|  |                                     |                             |  |         |                   |
|--|-------------------------------------|-----------------------------|--|---------|-------------------|
| <b>TRANSMITTAL LETTER (Large Entity)</b>   |                                     |                             | Docket No.<br><b>MCS-058-99</b>                        |         |                   |
| Applicant(s): <b>TOYAMA</b>  |                                     |                             |  |         |                   |
| Serial No.<br><b>09/400,346</b>  | Filing Date<br><b>09/20/1999</b>    | Examiner<br><b>B. LE</b>    | Group Art Unit<br><b>2623</b>                          |         |                   |
| Invention: <b>SYSTEM AND METHOD FOR BACKGROUND MAINTENANCE OF AN IMAGE SEQUENCE</b>  |                                     |                             |  |         |                   |
| TO THE HON. COMMISSIONER FOR PATENTS:  |                                     |                             | <b>RECEIVED<br/>CENTRAL FAX CENTER<br/>SEP 06 2004</b> |         |                   |
| Transmitted herewith is an amendment in the above-identified application.<br>The fee has been calculated and is transmitted as shown below.  |                                     |                             |  |         |                   |
| <b>CLAIMS AS AMENDED</b>   |                                     |                             |  |         |                   |
|  | CLAIMS REMAINING<br>AFTER AMENDMENT | HIGHEST #<br>PREV. PAID FOR | NUMBER EXTRA<br>CLAIMS PRESENT                         | RATE    | ADDITIONAL<br>FEE |
| TOTAL CLAIMS   | 26 -                                | 22 =                        | 4 x  | \$18.00 | \$ 72.00          |
| INDEP. CLAIMS  | 6 -                                 | 5 =                         | 1 x  | \$86.00 | \$ 86.00          |
| Multiple Dependent Claims (check if applicable) <input type="checkbox"/>   |                                     |                             |  |         | \$0.00            |
| <b>TOTAL ADDITIONAL FEE FOR THIS AMENDMENT</b>   |                                     |                             |  |         | <b>\$ 158.00</b>  |
| <div style="display: flex; justify-content: space-between;"><div><input type="checkbox"/> No additional fee is required.<br/><input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of _____<br/>A duplicate copy of this sheet is enclosed.<br/><input type="checkbox"/> A check in the amount of _____ to cover the filing fee is enclosed.<br/><input checked="" type="checkbox"/> Two (2) Credit Card Payment Forms (PTO-2038) for payment for the RCE filing fee and an additional claims fee in the amount of \$ 770.00 and \$158.00 are attached.</div><div style="text-align: right;">Dated: <b>September 6, 2004</b></div></div> <div style="display: flex; justify-content: space-between; margin-top: 20px;"><div style="width: 40%;"><br/>_____<br/>Craig S. Fischer<br/>Registration No. 42,535<br/>LYON &amp; HARR, L.L.P.<br/>300 East Esplanade Drive<br/>Suite 800<br/>Oxnard, CA 93036-1274<br/>TEL: (805) 278-8855<br/>FAX: (805) 278-8064</div><div style="width: 55%;"><p>CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 C.F.R. § 1.8<br/>I hereby certify that this paper and every paper referred to therein as being enclosed is being facsimile transmitted to Mail Stop: RCE, Hon. Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, TC2600 at (703) 872-9306.</p><p>Date of Transmission: <u>September 6, 2004</u></p><p>By: <b>Craig S. Fischer</b></p><p>Signature: </p></div></div> |                                     |                             |  |         |                   |

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| on <u>September 6, 2004</u>  | (Date of Transmission)          |
| By <u>Craig S. Fischer</u>   | <u>[Signature]</u><br>Signature |

**PATENT**  
Microsoft Matter No.: 128795.01  
Attorney Docket No.: MCS-058-99

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of: TOYAMA et al.

Serial No.: 09/400,346

Group Art Unit: 2623

Filed: September 20, 1999

Examiner: B. Le

For: **SYSTEM AND METHOD FOR BACKGROUND  
MAINTENANCE OF AN IMAGE SEQUENCE**

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**PRELIMINARY AMENDMENT**

Hon. Commissioner for Patents  
Washington, DC 20231  
TC2600  
Facsimile No.: (703) 872-9306

Sir:

In response to the final Office Action dated May 6, 2004, and preliminary to examining the above-identified patent application under the Request for Continued Examination, the Applicants respectfully request the application be amended as set forth below.

09/08/2004 JBALINAN 00000003 09400346

|            |          |
|------------|----------|
| 01 FC:1201 | 86.00 OP |
| 02 FC:1202 | 72.00 OP |

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